

# Notice of Allowability

Application No.

09/845,154

Examiner

Urmi Chattopadhyay

Applicant(s)

BOEKSTEGERS, PETER

Art Unit

3738

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the telephone interview on 4/16/04.
2. ☒ The allowed claim(s) is/are 1-15, 17-51, 54-65, 89-91 and 93-101.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 5/6/03.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                               |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>4/16/04</u> |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>3/15/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                                       |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                              | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                 |
|   | 9. <input type="checkbox"/> Other _____   |

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### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Kim on 4/15/04 and Susanne Jones on 4/16/04.

The application has been amended as follows:

Claims 1, 26, 46, 54, 56, 57, 92 and 101 have been amended as attached.

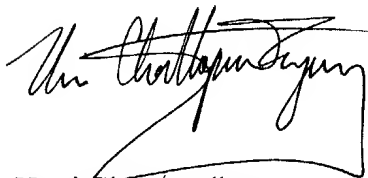
### ***Drawings***

Formal drawings are now required including the proposed drawing corrections filed on 8/1/03, which have been approved by the examiner.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Urmi Chattopadhyay whose telephone number is (703) 308-8510 and whose work schedule is Monday-Friday, 9:00am – 6:30pm with every other Friday off. The examiner's supervisor, Corrine McDermott, may be reached at (703) 308-2111. The group receptionist may be reached at (703) 308-0858.

Should the applicant wish to send a fax for official entry into the file wrapper the Group fax number is (703) 872-9306. Should applicant wish to send a fax for discussion purposes only, the art unit fax number is (703) 308-2708.



Urmi Chattopadhyay

Art Unit 3738



David J. Isabella  
Primary Examiner

**Proposed Examiner's Amendment for  
U.S. Application No. 09/845,154 (Atty. Docket No. 07883.0033)**

1. A method of treating a heart, the method comprising the steps of:

placing a guidewire through an anterior wall and a posterior wall of ~~[[the]]~~ a coronary vessel and through a heart wall between ~~[[the]]~~ a heart chamber and the coronary vessel;

advancing a catheter carrying a stent along the guidewire through the anterior wall and the posterior wall of the coronary vessel and into the heart wall; and

expanding the stent within the heart wall.

26. The method of claim ~~[[1]]~~ 89, wherein forming the passageway includes inserting a sheath into the location defined by the guidewire.

46. A method of treating a heart, the method comprising:

inserting a needle through an anterior wall and a posterior wall of ~~[[the]]~~ a coronary vessel;

after inserting the needle, placing a guidewire through the needle past the anterior wall and the posterior wall of the coronary vessel and through a heart wall between ~~[[the]]~~ a heart chamber and the coronary vessel;

inserting an expansion device along the guidewire through the anterior wall and the posterior wall of the coronary vessel and into the heart wall;

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expanding the expansion device within the heart wall to form a passageway  
between the heart chamber and the coronary vessel; and

placing a stent within the passageway.

54. The method of claim ~~[[53]]~~ 46, wherein the step of ~~inserting~~ placing the guidewire includes ~~inserting~~ placing the guidewire through the hollow needle until an end of the guidewire rests in the heart chamber.

56. The method of claim ~~[[53]]~~ 46, further comprising the step of measuring a depth of insertion of the hollow needle.

57. The method of claim ~~[[53]]~~ 46, further comprising avoiding intracardiac structures during insertion of the hollow needle.

92. (Cancelled).

101. A method of treating a heart, the method comprising the steps of:

inserting a needle through an anterior wall and a posterior wall of ~~[[the]]~~ a  
coronary vessel;

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after inserting the needle, placing a guidewire through the needle past the anterior wall and the posterior wall of the coronary vessel and through a heart wall between ~~[[the]]~~ a heart chamber and the coronary vessel;

advancing a stent along the guidewire through the anterior wall and the posterior wall of the coronary vessel and into the heart wall; and

expanding the stent within the heart wall.